

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT JOHN BRIA,)	CV F 05 0376 AWI LJO HC
)	
Petitioner,)	
)	ORDER VACATING ORDER TO SHOW
v.)	CAUSE ISSUED ON MAY 27, 2005
)	
J. SOLIS, Warden,)	[Doc. #10]
)	
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On January 31, 2005, Petitioner filed the instant habeas petition in the United States District Court for the Eastern District of California, Sacramento Division. By order of the Court dated March 22, 2005, the action was transferred to the Fresno Division and received in this Court.

On May 27, 2005, this Court issued an order directing Petitioner to show cause why the petition should not be dismissed for failure to exhaust state remedies. On June 14, 2005, Petitioner filed a reply to the Order to Show Cause. Petitioner states that he has presented all of his claims to the California Supreme Court. In support of his contention, Petitioner has submitted a copy of the petition for writ of habeas corpus he filed in the California Supreme Court. A review of the petition reveals that Petitioner has presented his claims to the California Supreme Court and therefore

1 exhausted his state remedies.

2 Accordingly, the May 27, 2005, Order to Show Cause is HEREBY VACATED.

3 IT IS SO ORDERED.

4 **Dated: June 17, 2005**
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE